

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 2:19cr47
	)	
AGHEE WILLIAM SMITH II,	)	
	)	
Defendant.	)	

**GOVERNMENT’S RESPONSE TO  
DEFENDANT’S MOTION FOR STATUS CONFERENCE**

The United States of America, through its undersigned counsel, respectfully files this response to defendant Aghee William Smith II’s motion for a status conference.

1. Defendant Smith correctly noted in his filing that the government does not object to the Court holding a status conference in this case.
2. The government respectfully requests that any status conference also include defense counsel for Daryl G. Bank and Billy Seabolt, as that case is consolidated for trial with the instant case and both trials are scheduled to proceed on November 3, 2020.
3. The government has engaged in plea negotiations with each defendant in an attempt to resolve the case prior to trial. In light of the COVID-19 pandemic, the potential delays related thereto, and the Court’s congested docket, in many instances, the government presented another round of even more favorable plea offers to each defendant. However, it is the government’s understanding that each defendant has rejected the government’s most recent plea offer. There is only one outstanding plea offer at this time. The government fully expects that the upcoming trial will include at least seven and probably all eight defendants.

4. The government's position, which it will explain in more detail at a status conference if one is held, is that these defendants should be tried—whether in a single consolidated trial or in some other format—as soon as the Court is reasonably able to do so. The government anticipates that it will be prepared to try this case against all or, in the alternative, against some of the defendants on November 3, 2020.

5. Prior to trial, the government will request that the Court conduct a *Frye/Laffler* inquiry of each defendant under oath to ensure that the record is clear that each defendant was aware of the details of each plea offer made to him or her in this case and that each defendant rejected those offers, and has elected to go to trial.

Respectfully submitted,

G. Zachary Terwilliger  
United States Attorney

By: /s/

---

Melissa E. O'Boyle  
Virginia State Bar No. 47449  
Elizabeth M. Yusi  
Virginia State Bar No. 91982  
Andrew C. Bosse  
Attorneys for the United States  
United States Attorney's Office  
101 West Main Street, Suite 8000  
Norfolk, VA 23510  
Office Number - 757-441-6331  
Facsimile Number - 757-441-6689  
E-Mail Address - [Melissa.OBoyle@usdoj.gov](mailto:Melissa.OBoyle@usdoj.gov)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 25, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to all counsel of record.

By: \_\_\_\_\_/s/\_\_\_\_\_

Melissa E. O'Boyle

Assistant United States Attorney

Virginia State Bar No. 47449

Attorney for the United States

United States Attorney's Office

101 West Main Street, Suite 8000

Norfolk, VA 23510

Office Number - 757-441-6331

Facsimile Number - 757-441-6689

E-Mail Address - melissa.oboyle@usdoj.gov